

Appl. No. 10/611,616
Response Dated October 17, 2005
Reply to Office Action of June 16, 2005

REMARKS

Summary

Claims 1-8 and 20-23 stand in this application. Claims 1, 3, 6, 10, 13, 15, 18, 20 and 21 have been amended. No new matter has been added. Claim 19 has been canceled without prejudice to the underlying subject matter. Favorable reconsideration and allowance of the standing claims are respectfully requested

Allowable Claims

We would like to thank the Examiner for indicating the allowability of claims 3-5, 10-12, 15-17 and 21-23 if amended to include all of the limitations of the base claims and any intervening claims. Applicant respectfully submits, however, that these claims represent patentable subject matter as currently listed based on the amendments and/or remarks given for the independent claims as discussed in detail below. Applicant would like to respectfully reserve the right, however, to amend the allowable claims into independent form during further prosecution if warranted.

Claim Objections

Claims 6-12 and 19-23 have been objected to because of various informalities. Claim 6 has been amended in accordance with the Office Action. Claim 19 has been canceled and its subject matter incorporated into claim 18. Removal of the objections is respectfully requested.

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35 U.S.C. § 102

At page 2, paragraph 4 of the Office Action claims 1-2, 6-9 and 13-14 stand rejected under 35 U.S.C. § 102 as being anticipated by United States Patent Number (USPN) 6463486 ("Parry"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 3, 6, 10, and 13 in order to facilitate prosecution on the merits. Applicant submits that the amendments merely clarify, either expressly or impliedly, what was already present in the claims.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See MPEP § 2131*, for example. Applicant submits that the Parry reference fails to teach each and every element recited in claims 1-2, 6-9 and 13-14 and thus they define over the Parry reference. For example, with respect to claims 1 and 13, the Parry reference fails to teach, among other things, the following language:

determining a frame boundary for said stored audio information; and accessing said stored audio information by said components in accordance with said schedule and said frame boundary.

Consequently, the Parry reference fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 1 and 13. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2 and

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14, which depend from claims 1 and 13, respectively, and therefore contain additional features that further distinguish these claims from the Parry reference.

Claim 6 recites features similar to those recited in claims 1 and 13. Therefore, for reasons analogous to those presented with respect to claims 1 and 13, Applicant respectfully submits that claim 6 is not anticipated and is patentable over the Parry reference. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 7-9, which depend from claim 6, and therefore contain additional features that further distinguish these claims from the Parry reference. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to these claims.

At page 4, paragraph 6 of the Office Action claim 18 stands rejected under 35 U.S.C. § 102 as being anticipated by USPN 6,400,709 ("Yousseff"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claim 18 in order to facilitate prosecution on the merits. Applicant submits that the amendments merely clarify, either expressly or impliedly, what was already present in the claims.

Applicant submits that the Yousseff reference fails to teach each and every element recited in claim 18 and thus it defines over the Yousseff reference. For example, the Yousseff reference fails to teach, among other things, the following language:

a media processing device connected to said media gateway and said media gateway controller, said media processing device comprising:
a circular buffer;

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an audio data module connected to said circular buffer; a plurality of components connected to said circular buffer; and a scheduling module connected to said audio data module and said components, said scheduling module to schedule access to audio information stored by said circular buffer for said plurality of components, said audio data module to determine a frame boundary for said stored audio information, and said components to access said stored audio information in accordance with said schedule and said frame boundary.

Consequently, the Yousseff reference fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 18.

35 U.S.C. § 103

At page 4, paragraph 8 claims 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Parry reference. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Claims 18, 20 and 21 recite features similar to those recited in claims 1 and 13. Therefore, for reasons analogous to those presented with respect to claims 1 and 13, Applicant respectfully submits that claims 18, 20 and 21 represent patentable subject matter over the Parry reference. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to these claims.

Double Patenting

Claim 18 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of United States Patent Application Number (USPAN) 10/459,309. Applicant submits that claim 18 as

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amended represents patentable subject matter over USPAN 10/459,309. Removal of this provisional rejection is respectfully requested.

Conclusion

For at least the above reasons, Applicant submits that claims 1-18 and 20-23 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-18 and 20-23 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

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The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

s/John F. Kacvinsky/s

John F. Kacvinsky
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Under 37 CFR 1.34(a)

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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

Deborah L. Higham 10/17/05
Deborah L. Higham Date